

- 14 Pages Total -

January 14, 2008

Mail Stop Issue Fee
 Commissioner For Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

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Applicants: Bender, Theodore M.; et. al.
 Assignee: Cardica, Inc.
 Title: Tool for Creating an Opening in Tissue
 Serial No.: 10/659,057 Filing Date: September 9, 2003
 Examiner: Michael G. Mendoza Group Art Unit: 3734
 Docket No.: 143

Transmitted herewith are the following documents in the above-identified application:

- (1) This Transmittal Letter; and
- (2) Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181(a), including three exhibits (A-C).

No additional fee is required.

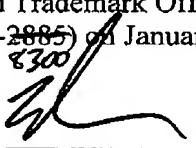
Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.

Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502108.

Total: \$ 0.00

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S Patent and Trademark Office (Fax No. (571) 273-2885) on January 14, 2008.


 Brian A. Schar, Esq.

Respectfully submitted,


 Brian A. Schar, Esq.
 Reg. No. 45,076
 Director of Intellectual Property
 Cardica, Inc.
 900 Saginaw Drive
 Redwood City, CA 94063

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Bender, Theodore M.; et. al.
Assignee: Cardica, Inc.
Title: Tool for Creating an Opening in Tissue
Serial No.: 10/659,057
Examiner: Mendoza, Michael G. Filed: September 9, 2003
Docket No.: 143 Group Art Unit: 3734

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January 14, 2008

Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 CFR 1.181(A)**

The issue fee and publication fee were timely paid in this application. Consequently, Assignee's attorney respectfully petitions the USPTO to withdraw the holding of abandonment in this patent application.

On October 22, 2007, Assignee's attorney transmitted by facsimile to the USPTO two copies of Fee Transmittal Form PTOL-85, and a transmittal letter that included a Certificate of Transmission. The USPTO confirmed receipt of these documents by auto-reply facsimile transmission. Copies of the documents transmitted to the USPTO, and the confirmation, are attached as Exhibit A. The Fee Transmittal Form PTOL-85 indicated in section 5(b) that small entity status was no longer claimed, and authorized the Director to charge "the required fee(s) [and] any deficiency...to Deposit Account Number 502108." (Exhibit A). Further, the transmittal letter that accompanied that Fee Transmission Form PTOL-85 set forth a total issue fee and publication fee amount of \$1740.00, consistent with the large entity status claimed in this application. (Exhibit A). The transmittal letter also authorized the USPTO to charge Deposit Account No. 502108 in the amount of \$1740.00, and requested the USPTO to "charge any additional fees required to Deposit Account No. 502108." (Exhibit A). The Notice of

JAN 14 2008

Allowance was mailed on August 24, 2007, and the issue fee and publication fee were thereby timely filed within three months of that mailing date.

After the issue fee was paid, Assignee's attorney filed a Correction of Error in Small Entity Status Under 37 CFR 1.28(c) ("Correction of Error"), including a certificate of transmission, acknowledgement of which was confirmed by the USPTO by auto-reply facsimile transmission. Copies of those documents are attached as Exhibit B. The Correction of Error itemized and calculated the deficiency payment required. In an abundance of caution, in order to ensure that the proper amount was paid in this application, a deficiency payment of \$720.00 for the issue fee and publication fee was authorized to be charged to Deposit Account 502108. (Exhibit B). This deficiency payment was authorized in addition to the correct payment amount authorized in the Fee Transmittal Form PTOL-85 and the accompanying transmittal letter. (Exhibit A).

Thus, charge of the issue fee in the sufficient amount of \$1740.00 to Deposit Account 502108 was authorized not just once, but twice. Further, authorization for the USPTO to charge any underpayment to Deposit Account 502108 was given not just once, but twice. (Exhibits A, B). As a result, payment of the issue fee and publication fee in the sufficient amount of \$1740.00 was timely paid in the proper amount, and the Notice of Abandonment must be withdrawn.

The Notice of Abandonment (Exhibit C) indicates that "[t]he submitted fee of \$300 is insufficient." (Exhibit C, section 2(b)). However, at no time was a fee of only \$300 submitted in response to the Notice of Allowance. As set forth above, a fee of \$1740.00 was paid on October 22, 2007, and any remaining deficiency fees were paid on November 28, 2007. (Exhibits A, B). Thus, the Notice of Abandonment is not consistent with the record, nor is it consistent with the fees actually paid in this case.

Because the issue fee and publication fee have in fact been paid in this application, as proven by this petition, it is requested that the holding of abandonment be withdrawn, and that the application proceed to issue. No fee is required for this petition. Please charge any underpayment or credit any overpayment to **Deposit Account No. 502108**.

Please contact the undersigned if there are any questions.

Certificate of Transmission

I hereby certify that this correspondence is being electronically transmitted to the U.S Patent and Trademark Office via facsimile to (571) 273-8300 on January 14, 2008.



Brian A. Schar, Esq.

Respectfully submitted,



Brian A. Schar
Reg. No. 45,076
Director of Intellectual Property
Cardica, Inc.
900 Saginaw Drive
Redwood City, CA 94063
(650) 331-7162

Exhibit A

- 3 Pages Total -

October 22, 2007

Mail Stop Issue Fee
 Commissioner For Patents
 P.O. Box 1450
 Alexandria, Virginia 22313-1450

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Applicants: Bender, Theodore M.; et. al.
 Assignee: Cardica, Inc.
 Title: Tool for Creating an Opening in Tissue
 Serial No.: 10/659,057 Filing Date: September 9, 2003
 Examiner: Michael G. Mendoza Group Art Unit: 3734
 Docket No.: 143

Transmitted herewith are the following documents in the above-identified application:

- (1) This Transmittal Letter; and
- (2) Fee Transmittal Form PTOL-85 (2 copies).

No additional fee is required.
 The fee has been calculated as shown below:

<input checked="" type="checkbox"/> Issue fee and publication fee	\$	\$ 1740.00
<hr/>		
<input checked="" type="checkbox"/> Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.		
<input checked="" type="checkbox"/> Please charge our Deposit Account No. 502108 in the amount of	\$	\$ 1740.00
<input checked="" type="checkbox"/> Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502108.		

Total: \$ \$1740.00

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (571) 273-2885) on October 22, 2007.

Brian A. Schar, Esq.

Respectfully submitted,

Brian A. Schar, Esq.
 Reg. No. 45,076
 Director of Intellectual Property
 Cardica, Inc.
 900 Saginaw Drive
 Redwood City, CA 94063

PART B - FEE(S) TRANSMITTAL JAN 14 2008

Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

33109 7590 08/24/2007

CARDICA, INC.
900 SAGINAW DRIVE
REDWOOD CITY, CA 94063

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Brian Schar	(Depositor's name)
	(Signature)
October 22, 2007	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,057	09/09/2003	Theodore M. Bender	143	3804

TITLE OF INVENTION: TOOL FOR CREATING AN OPENING IN TISSUE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$0	\$1000	11/26/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
MENDOZA, MICHAEL G	3734	606-167000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
<input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.	<u>Brian A. Schar</u>
<input type="checkbox"/> "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	2 _____
	3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Cardica, Inc.

Redwood City, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

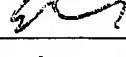
4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 502108 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

 a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature 

Date October 22, 2007

Typed or printed name Brian A. Schar, Esq.

Registration No. 45,076

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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PART B - FEE(S) TRANSMITTAL

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Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

33109

7590

08/24/2007

CARDICA, INC.
900 SAGINAW DRIVE
REDWOOD CITY, CA 94063

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Certificate of Mailing or Transmission
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Brian Schar	(Depositor's name)
	(Signature)
October 22, 2007	(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,057	09/09/2003	Theodore M. Bender	143	3804

TITLE OF INVENTION: TOOL FOR CREATING AN OPENING IN TISSUE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$0	\$1000	11/26/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
MENDOZA, MICHAEL G	3734	606-167000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).	2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.
<input type="checkbox"/> Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.	1 Brian A. Schar
<input type="checkbox"/> "Fee Address" indication (or "Fee Address" indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.	2 _____
	3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

Cardica, Inc.

Redwood City, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.
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 a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date October 22, 2007

Typed or printed name Brian A. Schar, Esq.

Registration No. 45,076

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Auto-Reply Facsimile Transmission



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10/22/2007 11:40 FAX 6503643134 CARDICA MAIN FAX 009

- 3 Pages Total -

October 22, 2007

Mail Stop Issue Fee
Commissioner For Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Applicants: Bender, Theodore M.; et. al.
Assignee: Cardica, Inc.
Title: Tool for Creating an Opening in Tissue
Serial No.: 10/659,057 Filing Date: September 9, 2003
Examiner: Michael G. Mendoza Group Art Unit: 3734
Docket No.: 143

Transmitted herewith are the following documents in the above-identified application:
(1) This Transmittal Letter, and
(2) Fee Transmittal Form PTO1-85 (2 copies).

No additional fee is required.
 The fee has been calculated as shown below;

Issue fee and publication fee \$ 1740.00

Conditional Petition for Extension of Time: If an extension of time is required for timely filing of the enclosed document(s) after all papers filed with this transmittal have been considered, an extension of time is hereby requested.

Please charge our Deposit Account No. 502108 in the amount of \$ 1740.00

Please charge any additional fees required and credit any overpayment to our Deposit Account No. 502108.

Total: \$ 1740.00

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[Signature]
Brian A. Scher, Esq.

Respectfully submitted,

[Signature]
Brian A. Scher, Esq.
Reg. No. 45,076
Director of Intellectual Property
Cardica, Inc.
900 Saginaw Drive
Redwood City, CA 94063

FAX: 6503643134 RCV'D AT 10/22/2007 2:25:02 PM [Eastern Daylight Time] SVR:USPTO-EFXRF-5/42 DNIS:2738300 CSID:6503643134 DURATION (mm:ss):04-14

Exhibit B

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Bender, Theodore M.; et. al.
 Assignee: Cardica, Inc.
 Title: Tool for Creating an Opening in Tissue
 Serial No.: 10/659,057 Filing Date: September 9, 2003
 Examiner: Michael G. Mendoza Group Art Unit: 3734
 Docket No.: 143

CORRECTION OF ERROR IN SMALL ENTITY STATUS UNDER 37 CFR 1.28(c)

Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Upon review of this application prior to payment of the issue fee, it was discovered that the status as a small entity in this application was established in error. Small entity status is no longer claimed in this application. Under 37 CFR 1.28(c)(1), this submission is limited to the deficiency payment in U.S. Patent Application Serial No. 10/659,057. Under 37 CFR 1.28(c)(2), itemization and calculation of the deficiency payment is set forth below:

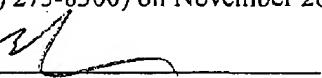
Fee type	Small entity fee actually paid	Deficiency owed amount
Filing, search, examination fee	375.00	655.00
Total claims in excess of 20 under 37 CFR 1.16(i)	198.00	902.00
Late declaration surcharge	65.00	65.00
Issue fee and publication fee	1020.00	720.00
Total deficiency amount owed:		\$2342.00

Please charge our Deposit Account No. 502108 the amount of \$2342.00, and charge any additional fees required and credit any overpayment to that Deposit Account No. 502108.

Please contact the undersigned if there are any questions.

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S Patent and Trademark Office (Fax No. (571) 273-8300) on November 28, 2007.



Brian A. Schar, Esq.

Respectfully submitted,



Brian A. Schar, Esq.
 Reg. No. 45,076
 Director of Intellectual Property
 Cardica, Inc.
 900 Saginaw Drive
 Redwood City, CA 94063
 (650) 331-7162

):Auto-reply fax to 6503643134 COMPANY:

Auto-Reply Facsimile Transmission



TO: Fax Sender at 6503643134

Fax Information

Date Received:

11/28/2007 6:27:53 PM [Eastern Standard Time]

Total Pages:

1 (including cover page)

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11/28/2007 10:44 FAX 6503643134	CARDICA MAIN FAX	001																		
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE																				
<p>Applicants: Bender, Theodore M.; et. al. Assignee: Cardica, Inc. Title: Tool for Creating an Opening in Tissue Serial No.: 10/659,057 Filing Date: September 9, 2003 Examiner: Michael G. Mendoza Group Art Unit: 3734 Docket No.: 143</p>																				
CORRECTION OF ERROR IN SMALL ENTITY STATUS UNDER 37 CFR 1.28(e)																				
<p>Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>																				
<p>Upon review of this application prior to payment of the issue fee, it was discovered that the status as a small entity in this application was established in error. Small entity status is no longer claimed in this application. Under 37 CFR 1.28(e)(1), this submission is limited to the deficiency payment in U.S. Patent Application Serial No. 10/659,057. Under 37 CFR 1.28(e)(2), itemization and calculation of the deficiency payment is set forth below:</p>																				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;">Fee type</th> <th style="width: 30%;">Small entity fee actually paid</th> <th style="width: 40%;">Deficiency owed amount</th> </tr> </thead> <tbody> <tr> <td>Filing, search, examination fee</td> <td>\$75.00</td> <td>\$55.00</td> </tr> <tr> <td>Total claims in excess of 20 under 37 CFR 1.16(f)</td> <td>\$98.00</td> <td>\$92.00</td> </tr> <tr> <td>Late declaration surcharge</td> <td>\$5.00</td> <td>\$5.00</td> </tr> <tr> <td>Issue fee and publication fee</td> <td>\$102.00</td> <td>\$72.00</td> </tr> <tr> <td>Total deficiency amount owed:</td> <td></td> <td>\$2342.00</td> </tr> </tbody> </table>			Fee type	Small entity fee actually paid	Deficiency owed amount	Filing, search, examination fee	\$75.00	\$55.00	Total claims in excess of 20 under 37 CFR 1.16(f)	\$98.00	\$92.00	Late declaration surcharge	\$5.00	\$5.00	Issue fee and publication fee	\$102.00	\$72.00	Total deficiency amount owed:		\$2342.00
Fee type	Small entity fee actually paid	Deficiency owed amount																		
Filing, search, examination fee	\$75.00	\$55.00																		
Total claims in excess of 20 under 37 CFR 1.16(f)	\$98.00	\$92.00																		
Late declaration surcharge	\$5.00	\$5.00																		
Issue fee and publication fee	\$102.00	\$72.00																		
Total deficiency amount owed:		\$2342.00																		
<p>Please charge our Deposit Account No. 502103 the amount of \$2342.00, and charge any additional fees required and credit any overpayment to that Deposit Account No. 502108.</p>																				
<p>Please contact the undersigned if there are any questions.</p>																				
<p>Certificate of Transmission I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (571) 273-8300) on November 28, 2007.</p> <p><i>[Signature]</i> Brian A. Scher, Esq.</p>		<p>Respectfully submitted,</p> <p><i>[Signature]</i></p> <p>Brian A. Scher, Esq. Reg. No. 45,076 Director of Intellectual Property Cardica, Inc. 900 Saginaw Drive Redwood City, CA 94063 (650) 331-7102</p>																		

Exhibit C

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UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,057	09/09/2003	Theodore M. Bender	143	3804
7590	01/04/2008		EXAMINER	
CARDICA, INC. 900 SAGINAW DRIVE REDWOOD CITY, CA 94063			MENDOZA, MICHAEL G	
			ART UNIT	PAPER NUMBER
			3734	
			MAIL DATE	DELIVERY MODE
			01/04/2008	PAPER

Notice of Abandonment

This application is abandoned in view of:

1. The applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the period for reply (including a total extension of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:
 - (1) a timely filed amendment which places the application in condition for allowance;
 - (2) a timely filed Notice of Appeal (with appeal fee);
 - (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box e below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required Issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$ 300 is insufficient. A balance of \$ 1440 is due.

The Issue fee required by 37 CFR 1.18 is \$ 1440.
The publication fee, if required by 37 CFR 1.18(d), is \$ 300.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Trasmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawing have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management